

Appeal Flyer
Summer Food Service Program (SFSP) – 7 CFR § 225.13
Missouri Department of Health and Senior Services

Appeals of the Department of Health and Senior Services (DHSS) actions are conducted before an independent administrative hearings officer at the Missouri Department of Social Services' Division of Legal Services (DLS). The DLS main office phone number is (573) 751-3229 and fax (573) 526-1484.

What can be appealed?

A sponsor may appeal any of the following actions the DHSS takes relating to its participation in the Summer Food Service Program (SFSP) or claims for reimbursement (7 CFR 225.6(b)(3) and 7 CFR 225.13):

- Denial of an application for participation.
- Denial of a sponsor's request for an advance payment.
- Denial of a sponsor's claim for reimbursement (except when submitted after the deadline [See 7 CFR § 225.9(d)(6)]).
- A state agency's refusal to forward to USDA's Food and Nutrition Service (FNS) the sponsor's requested exception for payment of a late claim or a request for an upward adjustment to a claim.
- Claim against a sponsor for remittance of a payment.
- Termination of a sponsor or a site.
- Denial of a sponsor's application for a site.
- Denial of a food service management company's application for registration, if applicable.
- Revocation of a food service management company's registration, if applicable.

A sponsor cannot appeal decisions the FNS makes relating to late claims for reimbursement or request for upward adjustments under 7 CFR 225.9(d)(6).

How can a sponsor appeal?

- Appeal requests must be in writing.
- A sponsor can either:
 - ✓ Fax the appeal request to 573-526-3679; or
 - ✓ Mail the appeal request to:

Missouri Department of Health and Senior Services
Community Food and Nutrition Assistance
ATTN: SFSP Appeals
PO Box 570
Jefferson City, MO 65102

- The DHSS must receive the appeal request no more than 14 calendar days after the sponsor receives the notice of the DHSS's action.

What must a sponsor include in its appeal request?

- The sponsor's name, telephone number, and mailing address.
- The name and title (printed or typed) of the sponsor's contact person/authorized representative.
- The DHSS action(s) that the sponsor is appealing, the reason(s) the sponsor is appealing, and the action(s) the sponsor wants the DHSS to take instead (i.e., the remedy the sponsor is seeking).
- Whether the sponsor is requesting an abbreviated administrative review or an administrative hearing:
 - **Abbreviated administrative review:** a review of written documentation only.
 - In an abbreviated review, both the sponsor and the DHSS submit written documentation for the hearing officer to consider when deciding the appeal.
 - A sponsor requesting a written review may choose to have an abbreviated administrative review even if it is entitled to a full, in-person hearing.
 - To be considered by the hearing officer, the sponsor must submit all written documentation in support of its appeal to the hearing officer within seven calendar days of the date it submits its appeal request (7 CFR 225.13(b)(4)).
 - A sponsor cannot request an in-person administrative hearing after the abbreviated administrative review has taken place.
 - **Administrative hearing:** an in-person hearing at which the sponsor and the DHSS submit verbal testimony and evidence.
 - The DLS hearing officer can hold a hearing in addition to, or instead of, an abbreviated administrative review only if the sponsor requests a hearing in its appeal request.
- A copy of the notice from the DHSS that outlines the actions the sponsor is appealing.

Additional information:

- The DLS hearing officer will send the sponsor a letter giving the date, time, and location of the administrative hearing.
- Under Missouri law, corporations and LLCs must be represented by an attorney. A non-attorney cannot file motions or briefs, make legal arguments, or examine witnesses.
- The DHSS will have legal counsel representation for both in-person hearings and abbreviated administrative (written) reviews.
- The DLS hearing officer must make a decision within five days of either holding an administrative hearing or receiving the written documentation from the sponsor and the DHSS.

Remember these deadlines:

- The DHSS must receive the sponsor's appeal request within 14 calendar days of the sponsor receiving notice of the DHSS's actions.
- The sponsor must submit any written documentation to the hearing officer within seven calendar days of submitting the appeal request.

For more information: Call the DHSS at 888-435-1464.

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